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May 7, 2021

BY ECF

Hon. George B. Daniels
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Sokolow et al. v. Palestine Liberation Organization et al.*
No. 04 Civ. 397 (GBD)

Dear Judge Daniels:

Plaintiffs respectfully request leave to file the enclosed Second Supplemental Declaration, providing supplemental evidence concerning the activities of the Defendants relevant to the questions before the Court.

For Your Honor's information, plaintiffs also enclose a copy of a Certification issued by Judge Furman of this Court in a similar case pursuant to 28 U.S.C. § 2403(a), which provides in part that in any case in which "the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General."

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Kent A. Yalowitz", written over a circular blue ink stamp.

Kent A. Yalowitz

Encls
cc: ECF Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIRIAM FULD, et al.,

Plaintiffs,

-against-

THE PALESTINE LIBERATION
ORGANIZATION and THE PALESTINIAN
AUTHORITY,

Defendants.

Case No.: 20-cv-3374 (JMF)

**ORDER REGARDING
CERTIFICATION PURSUANT TO
FED. R. CIV. P. 5.1 AND 28 U.S.C.
§ 2403**

Defendants Palestine Liberation Organization and the Palestinian Authority have challenged the constitutionality of the Promoting Security and Justice for Victims of Terrorism Act of 2019 (“PSJVTA”) (codified at 18 U.S.C. § 2334(e)), arguing that it cannot be applied to establish personal jurisdiction over them in this case without violating, *inter alia*, the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the separation of powers doctrine, and the unconstitutional conditions doctrine. *See* ECF No. 25, at 1-2, 4-10; ECF No 29, at 11-13; ECF No. 31, at 1-4.

The Court has ordered superseding briefing from the parties regarding the “application and constitutionality of the PSJVTA” in this case. *See* ECF No. 34. Defendants’ opening brief on the PSJVTA is currently due 30 days after the date of this Order, Plaintiffs’ opposition brief is due 30 days thereafter, and Defendants’ reply is due 10 days following the opposition. *Id.*

Pursuant to 28 U.S.C. § 2403(a) and Rule 5.1(b) of the Federal Rules of Civil Procedure, this Court hereby certifies to the Attorney General of the United States the constitutional challenge to application of the PSJVTA described above. The United States is advised that, the Attorney General may intervene in this action “for presentation of evidence, if evidence is otherwise

admissible in the case, and for argument on the question of constitutionality,” 28 U.S.C. § 2403(a), within the time frames set forth in Rule 5.1(c) of the Federal Rules of Civil Procedure.

In accordance with Rule 5.1(a)(2) of the Federal Rules of Civil Procedure, Defendants shall serve notice and their current briefs on the Attorney General of the United States and promptly file proof such service. In addition, within one day of the filing of their superseding brief, they shall file proof of service on the Attorney General as well.

The Clerk of Court is directed to provide a copy of this Order to the Attorney General of the United States by mailing it to the United States Attorney for this District.

SO ORDERED.

Dated: May 6, 2021
New York, New York



JESSE M. FURMAN
United States District Judge